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DEPT FOR EUR/NCE AND PM/RSAT

E.O. 12958: N/A

TAGS: PREL MASS PGOV RO

SUBJECT: ROMANIA SEEKS ENTRY-INTO-FORCE ALTERATION TO
PROPOSED BLANKET END-USE ASSURANCES AGREEMENT

REF: A. ELLIS-FURNACE EMAIL 11/07/06

1B. STATE 181601
1C. STATE 64199

11. (U) This is a request for Guidance; see para 3.

12. (SBU) POLMILLOFF on November 7, met with MFA Director for Non-Proliferation, Arms Control and Combating Terrorism Dan Neculaescu, whose office has the lead on the Blanket End-Use Assurances agreement. Neculaescu explained that Romania has a classic "chicken and the egg" problem with the Blanket End-Use agreement. He said that the problem is not/not GOR reluctance to join the program. To the contrary, the GOR recognizes that this program is of great benefit. The problem is that the US-proposed language is contrary to the Romanian legislative process. Any agreement of this nature would need to be submitted for Parliamentary ratification only after/after it is signed by MFA and USG representatives.

This process would follow an exchange of diplomatic notes. He noted that there is some urgency to fixing the language because of Romania's strong interest in the F-16 to replace its aging fleet of Mig-21s. An information exchange with Belgium on the F-16 program (technical data) was held up because of the absence of a blanket agreement, Neculaescu explained.

3.(SBU) Guidance Request: The GOR is not/not proposing different assurances from the Department's language. However, the MFA would like new language covering entry-into-force that would address the requirements of Romania's legislative process. The MFA would prefer that the U.S. present new language, rather than the other way around. Mission requests further instruction on how to proceed. Subsequently Romanian Ministry of Foreign Affairs delivered on November 20, the following note verbale:

Begin text of the note:

C1-3/2172

The Ministry of Foreign Affairs of Romania presents its compliments to the Embassy of the United States of America and, in reference to its Verbal Note no. 067/2006 from 26 April 2006 (see reftel), wishes to state the following:

In accordance with the Romanian legislation, an Agreement such as the one envisaged in the Verbal Note mentioned above cannot enter into force at the date of the Ministry's of Foreign Affairs reply, but only after fulfilling all necessary internal procedures required by the Romanian law.

Thus, the Ministry of Foreign Affairs of Romania proposes that the final clause of the Agreement shall have the following content:

"The Ministry's reply stating that the foregoing is

acceptable to the Government of Romania shall, together with this note, constitute an Agreement between the two governments, to enter into force on the date of the receipt of the notification by which the Ministry informs on the completion of the internal procedures required by Romanian laws for its entry into force."

If the text above is suitable to the United States Government, the Ministry of Foreign Affairs of Romania kindly asks the United States Embassy to resent the text of the Agreement with the above modifications. After receiving the Agreement, the Ministry of Foreign Affairs, alongside other Romanian competent institutions, will start the internal procedures of approving the Agreement.

The Ministry of Foreign Affairs of Romania takes this opportunity to renew to the Embassy of the United States of America its highest consideration.

Dated: 13 November 2006
Initialed Dan Neculaescu
Stamped

End text of the note.
TAUBMAN